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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/523,560	09/01/2005	Stefano Cevenini	331.1087	1194		
23280	7590	03/30/2009	EXAMINER			
Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018				IZAGUIRRE, ISMAEL		
ART UNIT		PAPER NUMBER				
3765						
MAIL DATE		DELIVERY MODE				
03/30/2009		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/523,560	CEVENINI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ismael Izaguirre	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 February 2009.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-18 and 20-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 11-13 is/are allowed.

6) Claim(s) 10,15-18 and 20-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Remarks**

Applicant's representative noted in his "remarks/arguments" section (2/17/09) of the RCE that the examiner appeared to note that including the word "positively" in the claims as a limitation would overcome the prior art rejections. This was not the case and the examiner made no statement assuring the claims as overcoming the prior art with the addition of the word "positively". The examiner noted that "Applicant seems to intend a means comprised by the cover or the padding which positively connects or locks the padding or cover to the ironing board. This is not positively recited in the claims." The following is submitted for applicant's consideration:

## **CLAIMS**

### ***Summary***

Claims 10, 11, 15, 16, 20 and 22 are the independent claims under consideration in this Office Action.

Claims 12-14, 17, 18 and 21 are the dependent claims under consideration in this Office Action.

### ***Claim Rejections - 35 U.S.C. § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 17 and 20-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claims 17 and 22, the words “is achieved by” are unclear as they appear to refer to a method step within an apparatus claim and this makes the scope of the intended patent protection unclear. It is unclear if this is intended to define further limitations (structure) or if a method step is intended. If this is intended as defining further structure then perhaps “wherein the material stiffening comprises a polymer impregnated area...” would help.

Referring to claim 20, this claim attempts to define a method step. The metes and bounds of the patent protection desired by this claim are unclear since this claim depends from an apparatus or product claim and the contents do not further limit the structure of the product in the independent claim.

Referring to claim 21, the words “is form fitted solely via bulges” are unclear. It is unclear how “via bulges” defines a method step or what kind of step a “bulging” entails.

#### ***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 14, 15, 16, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brodt (2,026,961).

Brodt teaches an ironing board including an ironing board cover attached thereon. Brodt teaches the ironing board cover including a padding 1 which is placeable on the ironing board in an intimate fashion and where a bulge or peripheral extension extends around the edge of the contour of the ironing board. This extension or bulge includes material stiffening (metallic fastener parts) along the edge for helping to positively attach the padding to an underside of the ironing board. Brodt teaches the cover as including a contour which matches that of the board and the use of snap fasteners (page 3, left side, line 21-22) for attaching the cover and thus padding onto the board in a form-fitting or positive manner. The padding is placed on the ironing board by first placing the pad onto the top of the ironing board and then placing the bulged parts against the sides of the boards and then onto the bottom or underside of the board (figure 4, for example).

Claims 10, 14, 20 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Adiletta et al. (3,324,584).

Adiletta et al. teach an ironing board including an ironing board cover attached thereon. Adiletta et al. teaches the ironing board cover including a padding 20 which is placeable on the ironing board in an intimate fashion and where a bulge or peripheral extension extends around the edge of the contour of the ironing board. This extension or bulge is positively attached to an underside of the ironing board. Adiletta et al. teach the cover as including a contour which matches that of the board and the use of a

fastener 29 for attaching the contour of the cover and thus padding onto the underside of the board in a form-fitting or positive manner. The padding is placed on the ironing board by first placing the pad onto the top of the ironing board and then placing the bulged parts against the sides of the boards and then onto the bottom or underside of the board (figure 5, for example).

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brodt in view of Ruttenberg (4,360,984) and over Adiletta et al. in view of Ruttenberg.

Each, Brodt and Adiletta et al. disclose the invention substantially as claimed. See above for specific explanations of the structural details of each document. Briefly, each, Brodt and Adiletta et al. on their own teach ironing boards including ironing board covers comprising pads which are positively connected to the undersides of the ironing boards. However, neither Brodt nor Adiletta et al. suggest the padding having a thickness of .2 to 5 centimeters.

Ruttenberg teaches an ironing pad having a padding layer which is at least .6 centimeters thick and can be as thick as 1.9 centimeters.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the padding of Ruttenberg and Adiletta et al., each with a thickness of at least .6 centimeters. Providing a lesser thickness or a greater thickness would optimize the efficiency and life of the padding depending on the use environment and anticipated cost to build the pad.

***ALLOWABLE SUBJECT MATTER***

Claims 11-13 are allowable over the prior art of record.

Claims 17 and 22 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112.

***INQUIRIES***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/  
Primary Examiner, Art Unit 3765